

REMARKS

By this response, claims 1, 9, 22, and 27 are amended, claims 2, 10, 23, and 28 are canceled, and claim 35 is added. Claims 1, 3, 9, 11-13, 22, 24-27, 29, and 35 remain pending of which claims 1, 9, 22, and 27 are independent.

The Final Office Action, mailed March 26, 2008, considered claims 1-3, 9-13 and 22-29. Claims 1-3 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rodriguez (US Patent Publication No.: 2002/0009149). Claims 9, 11-13, 22 and 24-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Brooks (US Patent No.: 7,143,432) in view of Rodriguez. Claims 10, 23 and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brooks in view of Rodriguez.

The present invention is directed generally towards methods and corresponding computer program products for displaying an MPEG video stream when the stream is subject to bandwidth constraints and memory limitations. By requesting that the source transmit only specified key frames of an MPEG stream, the client can receive and display a video stream that would otherwise be suppressed. By this response, each of the independent claims has been amended to clarify that specified key frames consist of either (a) intra frames or (b) intra and predictive frames of the MPEG stream. As the Examiner has noted, when interpreted broadly, key frames can extend to selecting the first 10 frames of an un-encoded video stream while dropping the 11th frame, as disclosed in Brooks. The current amendments clarify that the selection of key frames means only selecting frames that have already been encoded in the MPEG format as either an intra or a predictive frame.

As addressed in Applicant's previous response, both Brooks and Rodriguez fail to teach or suggest requesting that key frames of an MPEG stream be transmitted as claimed in combination with the other elements. Specifically, Brooks modifies the frame rate of the video stream before the video is encoded into any particular format such as MPEG. The adjustment occurs to match the video frame rate with the frame rate requested by the client. This frame rate represents the number of frames per second of an un-encoded video. For example, if the video frame rate is 11 fps and the requestor can only support 10 fps, a counter can be used to drop every 11th frame. Whether a frame in Brooks is dropped has nothing to do with the frame being an I, P, or B-frame. This is because the video at this step in the Brooks process is not in any specified format so it would be impossible to specify that everything but I frames be dropped. Therefore, the client's request in Brooks for a video in a particular format does not consist of a request to transmit specified key frames of an MPEG video.

Additionally, Rodriguez does not address selecting frames to be transmitted, but is limited to decoding specified frames once they are received by the client.

In addition, each of the independent claims has been amended to specify that the source of the MPEG video is a server. In Rodriguez, the bus bandwidth of the client is one factor used to determine whether to forgo decoding B-frames. *See* ¶ 72. These amendments are made to clarify the distinction between the role bus bandwidth plays in Rodriguez as compared to the role the connection bandwidth plays in the present invention. As previously stated, Rodriguez may forgo decoding a frame if bus bandwidth is limited. However, bus bandwidth does not affect whether a frame is dropped from the video stream prior to being transmitted from a server, as currently claimed.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.¹ For example, there are many limitations presented in the dependent claims that further distinguish the claims from the cited art, including, but not limited to the limitations presented in claim 35 wherein the selected video stream comprises a first version and the method further comprises: subsequent to the client requesting and receiving only specified key frames of the first version, the client determining that the connection bandwidth is insufficient to support the transmission of the specified key frames of the selected video stream, and as a result, requesting that the source transmit a second version of the video stream wherein the second version requires less bandwidth than the key frames of the first version.

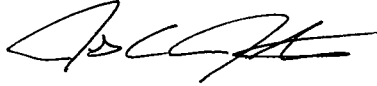
Accordingly, for at least these reasons, Applicant respectfully submits that the pending claims are distinguished from the cited art of record and are in condition for allowance.

¹ Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 9th day of May, 2008.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant
Customer No. 47973

JCJ:ahy
1714516_1